

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rainer Rudolph
Serial No: 10/526,163
Filed: February 28, 2005
For: Method for the Synthesis and selective biocatalytic
modification of peptides, peptide mimetics and proteins
Art Unit: tbd
Examiner: tbd

REPLY WITH RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

June 22, 2010

Dear Sir:

This Reply is in response to the Decision on Petition to Revive under 37 CFR 1.137(b) mailed on April 29, 2010 and further in response to a Notification of Missing Requirements mailed on December 1, 2005. Applicants' Petition to Revive filed on December 15, 2009 was denied due to an incomplete Reply with respect to certain specific requirements under the Sequence rules.

Applicants' Dec. 15, '09 Petition was filed by EFS and the required Sequence Listing was included as a txt file, in accordance with EFS sequence filing protocol. It is Applicants' understanding that a sequence identity statement is therefore not required/relevant, since there are not two distinct forms of the same listing being submitted. For clarification however, Applicants called Ms. Cynthia Kratz, the Attorney Advisor in the Office of PCT Legal Administration, who was very helpful. Ms. Kratz indicated that although this may be the case in the event that a sequence listing is filed by EFS, an amendment directing entry into the application and a statement of no new matter as required by 37 CFR 1.821 are nonetheless still relevant and required.

Accordingly, Applicants submit the following amendment and statement.

**AMENDMENT REQUESTING ENTRY OF SEQUENCE LISTING AND STATEMENT OF NO
NEW MATTER**

In response to the Notification of Missing Requirements dated December 1, 2005, Applicants submitted a substitute Sequence Listing with a Petition to Revive filed by EFS on December 15, 2009. The Decision on Petition mailed April 29, 2010 indicates that the substitute Listing is technically sufficient and has been entered into the database. Applicants hereby submit this Amendment requesting entry of the Sequence Listing referenced above. In electronic filing, the txt file constitutes the CRF and a separate disc is not submitted, negating the relevance of a statement of sequence identity as between different forms.

The Sequence Listing submitted on December 15, 2009 included sequences 1-7 disclosed in the original application on pages 19, Tables 3 and 4, and on page 20, lines 12-14. The Sequence Listing includes no new matter, in accordance with 37 C.F.R. 1.821(e), (f) or (g), or 1.825(b) or (d). Hence, Applicants respectfully request entry of the Sequence Listing into the present application, U.S. Application Serial No. 10/526,163.

Respectfully submitted,

DINSMORE & SHOHL L.L.P.

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